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FILED
09 MAR 17 PM 3:31
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: *[Signature]* DEPUTY

Attorneys for Defendants
City of San Diego, Michael R. Serrano and Ja'Rodd Jones

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ORIGINAL

B.D. HOWARD III,
Plaintiff,
v.

CIVIL CASE NO.
'09 CV 0532 LAB WMC
NOTICE OF REMOVAL OF CIVIL ACTION

STATE OF CALIFORNIA, BY AND
THROUGH THE CALIFORNIA HIGHWAY
PATROL; THE CITY OF SAN DIEGO, BY
AND THROUGH THE SAN DIEGO POLICE
DEPARTMENT; SAN DIEGO POLICE
DEPARTMENT OFFICER J. JONES, BADGE
NO. 6081; SAN DIEGO POLICE
DEPARTMENT OFFICER M. SERRANO,
BADGE NO. 6186; CALIFORNIA HIGHWAY
PATROL OFFICER E.D. COLUNGA, BADGE
NO. 015664; CALIFORNIA PATROL
OFFICER METINIC, BADGE NO. 013425 and
DOES 1 through 10, inclusive,
Defendants.

[28 U.S.C. § 1446]
(San Diego Superior Court Case No:
37-2008-00099314-CU-NP-CTL)

TO: PLAINTIFF AND HIS ATTORNEY OF RECORD:

PLEASE TAKE NOTICE that Defendants, City of San Diego, Michael R. Serrano and Ja'Rodd Jones, in the above-entitled action, have removed the action to the United States District Court for the Southern District of California.

STATEMENT OF GROUNDS FOR REMOVAL

Plaintiff alleges that a police officer of Defendant City of San Diego used excessive force on Plaintiff in violation of his rights under state and federal law.

CR

1 The Seventh and Eighth Causes of Action in the Complaint allege that the actions of the
2 City and its police officers deprived Plaintiff of his federal constitutional rights and that his
3 action is brought under 42 U.S.C. section 1983.

4 This Court has original jurisdiction of the action pursuant to the provisions of 28 U.S.C.
5 section 1331, and the action may therefore be removed to this Court by Defendant City of San
6 Diego pursuant to the provisions of 28 U.S.C. sections 1441(b) and (c).

7 Copies of all process and pleadings served on Defendant City of San Diego in the above-
8 entitled action are attached hereto. This Notice of Removal is filed with this Court within thirty
9 days after Defendant City of San Diego was served with the Complaint filed in San Diego
10 Superior Court.

11 Dated: March 17, 2009

JAN I. GOLDSMITH, City Attorney

12
13 By Donald F. Shanahan
14 Donald F. Shanahan
Chief Deputy City Attorney

15 Attorneys for Defendants
16 City of San Diego, Michael R. Serrano and
17 Ja'Rodd Jones
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SUMMONS
RECEIVED CITACION JUDICIAL)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO)

State of California, by and through the California Highway Patrol;
 Additional Parties Attachment form is attached.

RECEIVED

09 FEB 26 PM 3:16

INTERNAL AFFAIRS

FOR COURT USE ONLY
 (SOLO PARA USO DE LA CORTE)
 FILED
 CIVIL BUSINESS OFFICE 13
 CENTRAL DIVISION

2008 DEC 31 P 3:41

CLERK SUPERIOR COURT
 SAN DIEGO COUNTY, CA

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):
 B.D. Howard III

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:
 (El nombre y dirección de la corte es):

Superior Court of California, County of San Diego, Hall of Justice
 330 West Broadway, San Diego, California 92101

CASE NUMBER:
 (Número de caso) 07-2008-00099314-CU-NP-CTL

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

B.D. Howard III, Pro Per Plaintiff

154 21st Street, San Diego, California 92102

Tel. 619-297-2851

DATE:
 (Fecha)

DEC 31 2008

Clerk, by
 (Secretario)

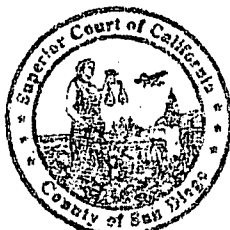
A. RACELIS

Deputy
 (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]



NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☐ on behalf of (specify):

under: ☐ CCP 416.10 (corporation)

☐ CCP 416.20 (defunct corporation)

☐ CCP 416.40 (association or partnership)

☐ other (specify):

4. ☐ by personal delivery on (date):

☐ CCP 416.60 (minor)

☐ CCP 416.70 (conservatee)

☐ CCP 416.90 (authorized person)

SUM-200(A)

SHORT TITLE: B.D. Howard v. State of California, et al.	CASE NUMBER:
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INSTRUCTIONS FOR USE

- ➔ This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.
- ➔ If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

List additional parties (Check only one box. Use a separate page for each type of party.):

☐ Plaintiff ☒ Defendant ☐ Cross-Complainant ☐ Cross-Defendant

The City of San Diego, by and through the San Diego Police Department; San Diego Police Department Officer J. Jones, Badge No. 6081; San Diego Police Department Officer M. Serrano, Badge No. 6186; California Highway Patrol Officer E. D. Colunga, Badge No. 015664; California Patrol Officer Mentinic, Badge No. 013425 and Does 1 through 10, inclusive.

Page 2 of 2

Page 1 of 1

PLD-PI-001

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): B.D. Howard III 154 21st Street, San Diego, CA 92102 TELEPHONE NO: 619-297-2851 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Pro Per Plaintiff	FOR COURT USE ONLY -- FILED CIVIL BUSINESS OFFICE 13 CENTRAL DIVISION 2008 DEC 31 P 3:41 CLERK SUPERIOR COURT SAN DIEGO COUNTY, CA
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: 330 West Broadway, San Diego, CA 92101 MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: Hall of Justice	
PLAINTIFF: B.D. Howard III DEFENDANT: State of California, by and through the California Highway Patrol; see additional parties attachment at <input checked="" type="checkbox"/> DOES 1 TO 10 inclus. page 4 of this complaint	
COMPLAINT—Personal Injury, Property Damage, Wrongful Death <input type="checkbox"/> AMENDED (Number): Type (check all that apply): <input type="checkbox"/> MOTOR VEHICLE <input checked="" type="checkbox"/> OTHER (specify): <input type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death <input checked="" type="checkbox"/> Personal Injury <input checked="" type="checkbox"/> Other Damages (specify): see p. 3, para 10	
Jurisdiction (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited	CASE NUMBER: 37-2008-00099314-CU-NP-CTL

1. Plaintiff (name or names): B.D. Howard III
 alleges causes of action against defendant (name or names):
 State of California, by and through the California Highway Patrol; see additional parties attachment at page 4
2. This pleading, including attachments and exhibits, consists of the following number of pages:
3. Each plaintiff named above is a competent adult
 - a. ☐ except plaintiff (name):
 - (1) ☐ a corporation qualified to do business in California
 - (2) ☐ an unincorporated entity (describe):
 - (3) ☐ a public entity (describe):
 - (4) ☐ a minor ☐ an adult
 - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) ☐ other (specify):
 - (5) ☐ other (specify):
 - b. ☐ except plaintiff (name):
 - (1) ☐ a corporation qualified to do business in California
 - (2) ☐ an unincorporated entity (describe):
 - (3) ☐ a public entity (describe):
 - (4) ☐ a minor ☐ an adult
 - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) ☐ other (specify):
 - (5) ☐ other (specify):

☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

PLD-PI-001

SHORT TITLE:

CASE NUMBER:

B.D. Howard v. State of California, et al.

4. ☐ Plaintiff (name):

is doing business under the fictitious name (specify):

and has complied with the fictitious business name laws.

5. Each defendant named above is a natural person

a. ☒ except defendant (name):(1) ☐ a business organization, form unknown(2) ☐ a corporation(3) ☐ an unincorporated entity (describe):(4) ☒ a public entity (describe):(5) ☒ other (specify):c. ☒ except defendant (name):(1) ☒ a business organization, form unknown(2) ☒ a corporation(3) ☒ an unincorporated entity (describe):(4) ☐ a public entity (describe):(5) ☒ other (specify):b. ☒ except defendant (name):(1) ☐ a business organization, form unknown(2) ☐ a corporation(3) ☐ an unincorporated entity (describe):(4) ☒ a public entity (describe):(5) ☐ other (specify):d. ☐ except defendant (name):(1) ☐ a business organization, form unknown(2) ☐ a corporation(3) ☐ an unincorporated entity (describe):(4) ☒ a public entity (describe):(5) ☐ other (specify):☐ Information about additional defendants who are not natural persons is contained in Attachment 5.

6. The true names of defendants sued as Does are unknown to plaintiff.

a. ☒ Doe defendants (specify Doe numbers): 1-10, inclusive were the agents or employees of other named defendants and acted within the scope of that agency or employment.b. ☒ Doe defendants (specify Doe numbers): 1-10, inclusive are persons whose capacities are unknown to plaintiff.7. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (names):

8. This court is the proper court because

a. ☒ at least one defendant now resides in its jurisdictional area.b. ☒ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.c. ☒ injury to person or damage to personal property occurred in its jurisdictional area.d. ☒ other (specify):9. ☒ Plaintiff is required to comply with a claims statute, anda. ☒ has complied with applicable claims statutes, orb. ☐ is excused from complying because (specify):

Page 2 of 23

PLD-PI-001

SHORT TITLE:

CASE NUMBER:

B.D. Howard v. State of California, et al.

10. The following causes of action are attached and the statements above apply to each (*each complaint must have one or more causes of action attached*):

- a. ☐ Motor Vehicle
- b. ☒ General Negligence
- c. ☒ Intentional Tort
- d. ☐ Products Liability
- e. ☐ Premises Liability
- f. ☒ Other (*specify*):

11. Plaintiff has suffered

- a. ☒ wage loss
- b. ☒ loss of use of property
- c. ☒ hospital and medical expenses
- d. ☒ general damage
- e. ☒ property damage
- f. ☒ loss of earning capacity
- g. ☒ other damage (*specify*):

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. ☐ listed in Attachment 12.
- b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) ☒ compensatory damages
- (2) ☒ punitive damages

The amount of damages is (*in cases for personal injury or wrongful death, you must check (1)*):

- (1) ☒ according to proof
- (2) ☐ in the amount of: \$

15. ☐ The paragraphs of this complaint alleged on information and belief are as follows (*specify paragraph numbers*):

Date: 12/31/08

B.D. Howard III

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

PLD-PI-001(2)

SHORT TITLE:

B.D. Howard v. State of California, et al.

CASE NUMBER:

CAUSE OF ACTION—General Negligence

Page _____

(number)

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): B.D. Howard III

alleges that defendant (name): State of California, by and through the California Highway Patrol

☒ Does 1 to 10 inclusive

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): November 18, 2007

at (place): 154 21st Street, San Diego, CA 92102 and 305 19th Street, San Diego, CA 92102

(description of reasons for liability):

At all relevant times, all of the named and doe defendants are and were agents, employees, representatives and officers of the other. At all relevant times, each of the named and doe defendants assisted, helped, cooperated and otherwise committed acts which furthered the negligent, wrongful, malicious and intentionally oppressive identification, detention, arrest, jailing and prosecution of the plaintiff at a time when each such defendant knew or should have known that there was no legal or factual cause, reason or excuse to so identify, detain, arrest, jail and prosecute the plaintiff starting on or about November 18, 2007 and ending on or about November 13, 2008. During the same period in question, all of the named and doe defendants negligently, wrongfully, maliciously and in an intentionally oppressive manner did agree and otherwise coordinate with one another to use official written police reports and other police communication methods and devices to negligently, wrongfully, maliciously and in an intentionally oppressive manner cause the plaintiff to be identified, detained, arrested, jailed and prosecuted as a person who had committed crimes such as: driving under the influence of alcohol or drugs or both and fleeing from the scene of an accident.

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Page 1 of 1

PLD-PI-001(3)

SHORT TITLE:

B.D. Howard v. State of California, et al.

CASE NUMBER

CAUSE OF ACTION—Intentional Tort

Page _____

(number)

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

IT-1. Plaintiff (name): B.D. Howard III

alleges that defendant (name): State of California, by and through the California Highway Patrol

☒ Does 1 to 10, inclusive

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant intentionally caused the damage to plaintiff

on (date) November 18, 2007

at (place) 154 21st Street, San Diego, CA 92102 and 305 19th Street, San Diego, CA 92102

(description of reasons for liability):

During the same time period set forth in the paragraph above, all of the named and doe defendants negligently, wrongfully, maliciously and in an intentionally oppressive manner did agree to and otherwise coordinate with one another to use official written police reports and other police communication methods and devices to negligently, wrongfully, maliciously and in an intentionally oppressive manner alter, manipulate, misrepresent and otherwise lie about statements made by witnesses in order to misidentify and wrongfully detain, arrest, jail and prosecute the plaintiff as a person who had committed crimes such as: driving under the influence of alcohol or drugs or both and fleeing from the scene of an accident. Subject to and according to proof, one such witness about whose statements the named and doe defendants did negligently, wrongfully, maliciously and in an intentionally oppressive manner cause to be altered, manipulated, misrepresented and otherwise lie about was a person by the name of Barbara Wood who, on or about November 18, 2007 made statements concerning a solo car accident that occurred on November 18, 2007 close to her home. In general, said witness gave identifying information concerning a person who was associated with the subject solo car accident that was exculpatory to the plaintiff. However, the named and doe defendants lied and otherwise negligently, wrongfully, maliciously and in an intentionally oppressive manner did alter, manipulate and misrepresent the statements of Barbara Wood such that said conduct proximately caused the plaintiff to be identified, detained, arrested, jailed and prosecuted as a person who had committed crimes such as: driving under the influence of alcohol or drugs or both and fleeing from the scene of an accident.

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Page 1 of 1

INTRODUCTION

The parties in this case are B.D. Howard III, who is the plaintiff. The defendants are: the State of California, by and through the California Highway Patrol; The City of San Diego, by and through the San Diego Police Department; San Diego Police Department Officer J. Jones, Badge No. 6081; San Diego Police Department Officer M. Serrano, Badge No. 6186; California Highway Patrol Officer E. D. Colunga, Badge No. 015664; California Patrol Officer Mentinic, Badge No. 013425 and Does 1 through 10, inclusive.

At all relevant times, all of the named and doe defendants are and were agents, employees, representatives and officers of the other. At all relevant times, each of the named and doe defendants assisted, helped, cooperated and otherwise committed acts which furthered the negligent, wrongful, malicious and intentionally oppressive identification, detention, arrest, jailing and prosecution of the plaintiff at a time when each such defendant knew or should have known that there was no legal or factual cause, reason or excuse to so identify, detain, arrest, jail and prosecute the plaintiff starting on or about November 18, 2007 and ending on or about November 13, 2008. During the same period in question, all of the named and doe defendants negligently, wrongfully, maliciously and in an intentionally oppressive manner did agree and otherwise coordinate with one another to use official written police reports and other police communication methods and devices to negligently, wrongfully, maliciously and in an intentionally oppressive manner cause the plaintiff to be identified, detained, arrested, jailed and prosecuted as a person who had committed crimes such as: driving under the influence of alcohol or drugs or both and fleeing from the scene of an accident.

During the same time period set forth in the paragraph above, all of the named and doe defendants negligently, wrongfully, maliciously and in an intentionally oppressive manner did agree to and otherwise coordinate with one another to use official written police reports and other police communication methods and devices to negligently, wrongfully, maliciously and in an intentionally oppressive manner alter, manipulate, misrepresent and otherwise lie about statements made by witnesses in order to misidentify and wrongfully detain, arrest, jail and prosecute the plaintiff as a person who had committed crimes such as: driving under the influence of alcohol or drugs or both and fleeing from the scene of an accident. Subject to and according to proof, one such witness about whose statements the named and doe defendants did negligently, wrongfully, maliciously and in an intentionally oppressive manner cause to be altered, manipulated, misrepresented and otherwise lie about was a person by the name of Barbara Wood who, on or about November 18, 2007 made statements concerning a solo car accident that occurred on November 18, 2007 close to her home. In general, said witness gave identifying information concerning a person who was associated with the subject solo car accident that was exculpatory to the plaintiff. However, the named and doe defendants lied and otherwise negligently, wrongfully, maliciously and in an intentionally oppressive manner did alter, manipulate and misrepresent the statements of Barbara Wood such that said conduct proximately caused the plaintiff to be identified, detained, arrested, jailed and prosecuted as a person who had committed crimes such as:

driving under the influence of alcohol or drugs or both and fleeing from the scene of an accident.

During the same time period set forth in the paragraph above, that is between approximately November 18, 2007 and November 13, 2008, all of the named and doe defendants negligently, wrongfully, maliciously and in an intentionally oppressive manner failed to supervise and train each other in the fundamental and lawful use of force, in particular, the concepts of individuals being free from illegal/unlawful force.

At all times herein mentioned, all the named and doe defendants, and each of them, acting under color of law and under color of statutes, regulations, customs and usages of the State of California, State and City, and pursuant to the official policies of defendant public entity as created by State and City, and acting under color of their authority as such, negligently failed to instruct, supervise, control and discipline on a continuing basis the named and doe defendants herein in their duties to refrain from among other things:

- A. Unlawfully and maliciously harassing citizens who are acting in accordance with their constitutional and statutory rights, privileges and immunities;
- B. Unlawfully and maliciously detaining, seizing, assaulting and battering citizens who are acting in accordance with their constitutional and statutory rights, privileges and immunities
- C. And otherwise depriving Plaintiff of her constitutional and statutory rights, privileges and immunities.
- D. The foregoing acts, omissions and systematic failures are customs and policies of Defendant STATE and CITY, and caused the remaining Defendants, and each of them, to believe that they could routinely engage in excessive force on the general public and arrestees.

The conduct herein stated proximately caused the plaintiff to be identified, detained, arrested, jailed and prosecuted as a person who had committed crimes such as: driving under the influence of alcohol or drugs or both and fleeing from the scene of an accident.

B.D. Howard v. State of California, et al.

Case number:

_____**CAUSE OF ACTION-----False Imprisonment** Page_____

Attachment to complaint

(Use a separate cause of action form for each cause of action.)

Plaintiff (name): B.D. Howard

alleges that defendant (name): State of California, by and through the California Highway Patrol.

Does 1 to 10 inclusive.

Was legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant falsely imprisoned causing damage to plaintiff

on (date): November 18, 2007

at (place): 154 21st Street, San Diego, CA 92102 and 305 19th Street, San Diego, CA 92102

(description of reasons for liability):

During the same time period set forth in the paragraph above, that is between approximately November 18, 2007 and November 13, 2008, all of the named and doe defendants negligently, wrongfully, maliciously and in an intentionally oppressive manner failed to supervise and train each other in the fundamental and lawful of use of force, in particular, the concepts of individuals being free from illegal/unlawful force.

At all times herein mentioned, al the named and doe defendants, and each of them, acting under color of law and under color of statutes, regulations, customs and usages of the State of California, State and City, and pursuant to the official policies of defendant public entity as created by State and City, and acting under color of their authority as such, negligently failed to instruct, supervise, control and discipline on a

continuing basis the named and doe defendants herein in their duties to refrain from among other things:

- A. Unlawfully and maliciously detaining, seizing, assaulting and battering citizens who are acting in accordance with their constitutional and statutory rights, privileges and immunities
- B. And otherwise depriving Plaintiff of her constitutional and statutory rights, privileges and immunities.

The conduct herein stated proximately caused the plaintiff to be identified, detained, arrested, jailed and prosecuted as a person who had committed crimes such as: driving under the influence of alcohol or drugs or both and fleeing from the scene of an accident.

B.D. Howard v. State of California, et al.

Case number:

_____**CAUSE OF ACTION-----Battery** Page_____

Attachment to complaint

(Use a separate cause of action form for each cause of action.)

Plaintiff (name): B.D. Howard

alleges that defendant (name): State of California, by and through the California Highway Patrol.

Does 1 to 10 inclusive.

Was legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant battered plaintiff causing damage to plaintiff

on (date): November 18, 2007

at (place): 154 21st Street, San Diego, CA 92102 and 305 19th Street, San Diego, CA 92102

(description of reasons for liability):

During the same time period set forth in the paragraph above, that is between approximately November 18, 2007 and November 13, 2008, all of the named and doe defendants negligently, wrongfully, maliciously and in an intentionally oppressive manner failed to supervise and train each other in the fundamental and lawful of use of force, in particular, the concepts of individuals being free from illegal/unlawful force.

At all times herein mentioned, al the named and doe defendants, and each of them, acting under color of law and under color of statutes, regulations, customs and usages of the State of California, State and City, and pursuant to the official policies of defendant public entity as created by State and City, and acting under color of their authority as such, negligently failed to instruct, supervise, control and discipline on a continuing basis the named and doe defendants herein in their duties to refrain from among other things:

- A. Unlawfully and maliciously detaining, seizing, assaulting and battering citizens who are acting in accordance with their constitutional and statutory rights, privileges and immunities
- B. And otherwise depriving Plaintiff of her constitutional and statutory rights, privileges and immunities.
- C. The foregoing acts, omissions and systematic failures are customs and policies of Defendant STATE and CITY, and caused the remaining Defendants, and each of them, to believe that they could routinely engage in excessive force on the general public and arrestees.

The conduct herein stated proximately caused the plaintiff to be identified, detained, arrested, jailed and prosecuted as a person who had committed crimes such as: driving under the influence of alcohol or drugs or both and fleeing from the scene of an accident.

B.D. Howard v. State of California, et al.

Case number:

CAUSE OF ACTION-----Assault Page

Attachment to complaint

(Use a separate cause of action form for each cause of action.)

Plaintiff (name): B.D. Howard

alleges that defendant (name): State of California, by and through the California Highway Patrol.

Does 1 to 10 inclusive.

Was legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant assaulted plaintiff causing damage to plaintiff

on (date): November 18, 2007

at (place): 154 21st Street, San Diego, CA 92102 and 305 19th Street, San Diego, CA 92102

(description of reasons for liability):

During the same time period set forth in the paragraph above, that is between approximately November 18, 2007 and November 13, 2008, all of the named and doe defendants negligently, wrongfully, maliciously and in an intentionally oppressive manner failed to supervise and train each other in the fundamental and lawful of use of force, in particular, the concepts of individuals being free from illegal/unlawful force.

At all times herein mentioned, al the named and doe defendants, and each of them, acting under color of law and under color of statutes, regulations, customs and usages of the State of California, State and City, and pursuant to the official policies of defendant public entity as created by State and City, and acting under color of their authority as such, negligently failed to instruct, supervise, control and discipline on a continuing basis the named and doe defendants herein in their duties to refrain from among other things:

page 12 of 23

- A. Unlawfully and maliciously detaining, seizing, assaulting and battering citizens who are acting in accordance with their constitutional and statutory rights, privileges and immunities
- B. And otherwise depriving Plaintiff of her constitutional and statutory rights, privileges and immunities.
- C. The foregoing acts, omissions and systematic failures are customs and policies of Defendant STATE and CITY, and caused the remaining Defendants, and each of them, to believe that they could routinely engage in excessive force on the general public and arrestees.

The conduct herein stated proximately caused the plaintiff to be identified, detained, arrested, jailed and prosecuted as a person who had committed crimes such as: driving under the influence of alcohol or drugs or both and fleeing from the scene of an accident.

B.D. Howard v. State of California, et al.

Case number:

CAUSE OF ACTION—Intentional Infliction of Emotional Distress

Page _____

Attachment to complaint

(Use a separate cause of action form for each cause of action.)

Plaintiff (name): B.D. Howard

alleges that defendant (name): State of California, by and through the California Highway Patrol.

Does 1 to 10 inclusive.

Was legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant intentionally caused emotional distress causing damage to plaintiff

on (date): November 18, 2007

at (place): 154 21st Street, San Diego, CA 92102 and 305 19th Street, San Diego, CA 92102

(description of reasons for liability):

During the same time period set forth in the paragraph above, that is between approximately November 18, 2007 and November 13, 2008, all of the named and doe defendants negligently, wrongfully, maliciously and in an intentionally oppressive manner failed to supervise and train each other in the fundamental and lawful use of force, in particular, the concepts of individuals being free from illegal/unlawful force.

At all times herein mentioned, all the named and doe defendants, and each of them, acting under color of law and under color of statutes, regulations, customs and usages of the State of California, State and City, and pursuant to the official policies of defendant public entity as created by State and City, and acting under color of their authority as such, negligently failed to instruct, supervise, control and discipline on a

page 14 of 23

continuing basis the named and doe defendants herein in their duties to refrain from among other things:

- D. Unlawfully and maliciously detaining, seizing, assaulting and battering citizens who are acting in accordance with their constitutional and statutory rights, privileges and immunities
- E. And otherwise depriving Plaintiff of her constitutional and statutory rights, privileges and immunities.
- F. The foregoing acts, omissions and systematic failures are customs and policies of Defendant STATE and CITY, and caused the remaining Defendants, and each of them, to believe that they could routinely engage in excessive force on the general public and arrestees.

The conduct herein stated proximately caused the plaintiff to be identified, detained, arrested, jailed and prosecuted as a person who had committed crimes such as: driving under the influence of alcohol or drugs or both and fleeing from the scene of an accident.

B.D. Howard v. State of California, et al.

Case number:

Section 1983) CAUSE OF ACTION----- Violation of Civil Rights (42 U.S.C.
Page _____

Attachment to complaint

(Use a separate cause of action form for each cause of action.)

Plaintiff (name): B.D. Howard

alleges that defendant (name): State of California, by and through the California Highway Patrol.

Does 1 to 10 inclusive.

Was legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant violated plaintiff's civil rights causing damage to plaintiff

on (date): November 18, 2007

at (place): 154 21st Street, San Diego, CA 92102 and 305 19th Street, San Diego, CA 92102

(description of reasons for liability):

During the same time period set forth in the paragraph above, that is between approximately November 18, 2007 and November 13, 2008, all of the named and doe defendants negligently, wrongfully, maliciously and in an intentionally oppressive manner failed to supervise and train each other in the fundamental and lawful of use of force, in particular, the concepts of individuals being free from illegal/unlawful force.

At all times herein mentioned, al the named and doe defendants, and each of them, acting under color of law and under color of statutes, regulations, customs and usages of the State of California, State and City, and pursuant to the official policies of defendant public entity as created by State and City, and acting under color of their authority as such, negligently failed to instruct, supervise, control and discipline on a continuing basis the named and doe defendants herein in their duties to refrain from among other things:

page 16 of 23

- A. Unlawfully and maliciously detaining, seizing, assaulting and battering citizens who are acting in accordance with their constitutional and statutory rights, privileges and immunities
- B. And otherwise depriving Plaintiff of her constitutional and statutory rights, privileges and immunities.
- C. The foregoing acts, omissions and systematic failures are customs and policies of Defendant STATE and CITY, and caused the remaining Defendants, and each of them, to believe that they could routinely engage in excessive force on the general public and arrestees.

The conduct herein stated proximately caused the plaintiff to be identified, detained, arrested, jailed and prosecuted as a person who had committed crimes such as: driving under the influence of alcohol or drugs or both and fleeing from the scene of an accident.

B.D. Howard v. State of California, et al.

Case number:

_____**CAUSE OF ACTION----- Conspiracy to Violate Civil Rights**
Page_____

Attachment to complaint

(Use a separate cause of action form for each cause of action.)

Plaintiff (name): B.D. Howard

alleges that defendant (name): State of California, by and through the California Highway Patrol.

Does 1 to 10 inclusive.

Was legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant conspired to violated plaintiff's civil rights causing damage to plaintiff

on (date): November 18, 2007

at (place): 154 21st Street, San Diego, CA 92102 and 305 19th Street, San Diego, CA 92102

(description of reasons for liability):

During the same time period set forth in the paragraph above, all of the named and doe defendants negligently, wrongfully, maliciously and in an intentionally oppressive manner did agree to and otherwise coordinate with one another to use official written police reports and other police communication methods and devices to negligently, wrongfully, maliciously and in an intentionally oppressive manner alter, manipulate, misrepresent and otherwise lie about statements made by witnesses in order to misidentify and wrongfully detain, arrest, jail and prosecute the plaintiff as a person who had committed crimes such as: driving under the influence of alcohol or drugs or both and fleeing from the scene of an accident. Subject to and according to proof, one such witness about whose statements the named and doe defendants did negligently, wrongfully, maliciously and in an intentionally oppressive manner cause to be altered, manipulated, misrepresented and otherwise lie about was a person by the name of Barbara Wood who, on or about November 18, 2007 made statements concerning a solo

page 18 of 23

car accident that occurred on November 18, 2007 close to her home. In general, said witness gave identifying information concerning a person who was associated with the subject solo car accident that was exculpatory to the plaintiff. However, the named and doe defendants lied and otherwise negligently, wrongfully, maliciously and in an intentionally oppressive manner did alter, manipulate and misrepresent the statements of Barbara Wood such that said conduct proximately caused the plaintiff to be identified, detained, arrested, jailed and prosecuted as a person who had committed crimes such as: driving under the influence of alcohol or drugs or both and fleeing from the scene of an accident.

During the same time period set forth in the paragraph above, that is between approximately November 18, 2007 and November 13, 2008, all of the named and doe defendants negligently, wrongfully, maliciously and in an intentionally oppressive manner failed to supervise and train each other in the fundamental and lawful use of force, in particular, the concepts of individuals being free from illegal/unlawful force.

At all times herein mentioned, all the named and doe defendants, and each of them, acting under color of law and under color of statutes, regulations, customs and usages of the State of California, State and City, and pursuant to the official policies of defendant public entity as created by State and City, and acting under color of their authority as such, negligently failed to instruct, supervise, control and discipline on a continuing basis the named and doe defendants herein in their duties to refrain from among other things:

- D. Unlawfully and maliciously detaining, seizing, assaulting and battering citizens who are acting in accordance with their constitutional and statutory rights, privileges and immunities
- E. And otherwise depriving Plaintiff of her constitutional and statutory rights, privileges and immunities.
- F. The foregoing acts, omissions and systematic failures are customs and policies of Defendant STATE and CITY, and caused the remaining Defendants, and each of them, to believe that they could routinely engage in excessive force on the general public and arrestees.

The conduct herein stated proximately caused the plaintiff to be identified, detained, arrested, jailed and prosecuted as a person who had committed crimes such as: driving under the influence of alcohol or drugs or both and fleeing from the scene of an accident.

B.D. Howard v. State of California, et al.

Case number:

_____**CAUSE OF ACTION----- Conspiracy to Violate the Bane Act**
Page_____

Attachment to complaint

(Use a separate cause of action form for each cause of action.)

Plaintiff (name): B.D. Howard

alleges that defendant (name): State of California, by and through the California Highway Patrol.

Does 1 to 10 inclusive.

Was legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant conspired to violate the Bane Act causing damage to plaintiff

on (date): November 18, 2007

at (place): 154 21st Street, San Diego, CA 92102 and 305 19th Street, San Diego, CA 92102

(description of reasons for liability):

During the same time period set forth in the paragraph above, all of the named and doe defendants negligently, wrongfully, maliciously and in an intentionally oppressive manner did agree to and otherwise coordinate with one another to use official written police reports and other police communication methods and devices to negligently, wrongfully, maliciously and in an intentionally oppressive manner alter, manipulate, misrepresent and otherwise lie about statements made by witnesses in order to misidentify and wrongfully detain, arrest, jail and prosecute the plaintiff as a person of color who had committed crimes such as: driving under the influence of alcohol or drugs or both and fleeing from the scene of an accident. Subject to and according to proof, one such witness about whose statements the named and doe defendants did negligently, wrongfully, maliciously and in an intentionally oppressive manner cause to be altered, manipulated, misrepresented and otherwise lie about was a person by the name of Barbara Wood who, on or about November 18, 2007 made statements concerning a solo

page 20 of 25

car accident that occurred on November 18, 2007 close to her home. In general, said witness gave identifying information concerning a person who was associated with the subject solo car accident that was exculpatory to the plaintiff. However, the named and doe defendants lied and otherwise negligently, wrongfully, maliciously and in an intentionally oppressive manner did alter, manipulate and misrepresent the statements of Barbara Wood such that said conduct proximately caused the plaintiff to be identified, detained, arrested, jailed and prosecuted as a person who had committed crimes such as: driving under the influence of alcohol or drugs or both and fleeing from the scene of an accident.

During the same time period set forth in the paragraph above, that is between approximately November 18, 2007 and November 13, 2008, all of the named and doe defendants negligently, wrongfully, maliciously and in an intentionally oppressive manner failed to supervise and train each other in the fundamental and lawful use of force, in particular, the concepts of individuals being free from illegal/unlawful force.

At all times herein mentioned, all the named and doe defendants, and each of them, acting under color of law and under color of statutes, regulations, customs and usages of the State of California, State and City, and pursuant to the official policies of defendant public entity as created by State and City, and acting under color of their authority as such, negligently failed to instruct, supervise, control and discipline on a continuing basis the named and doe defendants herein in their duties to refrain from among other things:

- G. Unlawfully and maliciously detaining, seizing, assaulting and battering citizens who are acting in accordance with their constitutional and statutory rights, privileges and immunities
- H. And otherwise depriving Plaintiff of her constitutional and statutory rights, privileges and immunities.
- I. The foregoing acts, omissions and systematic failures are customs and policies of Defendant STATE and CITY, and caused the remaining Defendants, and each of them, to believe that they could routinely engage in excessive force on the general public and arrestees.

The conduct herein stated proximately caused the plaintiff to be identified, detained, arrested, jailed and prosecuted as a person who had committed crimes such as: driving under the influence of alcohol or drugs or both and fleeing from the scene of an accident.

B.D. Howard v. State of California, et al.

Case number:

_____**CAUSE OF ACTION-----** **Violate the Bane Act** **Page** _____

Attachment to complaint

(Use a separate cause of action form for each cause of action.)

Plaintiff (name): B.D. Howard

alleges that defendant (name): State of California, by and through the California Highway Patrol.

Does 1 to 10 inclusive.

Was legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant violated the Bane Act causing damage to plaintiff

on (date): November 18, 2007

at (place): 154 21st Street, San Diego, CA 92102 and 305 19th Street, San Diego, CA 92102

(description of reasons for liability):

During the same time period set forth in the paragraph above, all of the named and doe defendants negligently, wrongfully, maliciously and in an intentionally oppressive manner did agree to and otherwise coordinate with one another to use official written police reports and other police communication methods and devices to negligently, wrongfully, maliciously and in an intentionally oppressive manner alter, manipulate, misrepresent and otherwise lie about statements made by witnesses in order to misidentify and wrongfully detain, arrest, jail and prosecute the plaintiff as a person who had committed crimes such as: driving under the influence of alcohol or drugs or both and fleeing from the scene of an accident. Subject to and according to proof, one such witness about whose statements the named and doe defendants did negligently, wrongfully, maliciously and in an intentionally oppressive manner cause to be altered, manipulated, misrepresented and otherwise lie about was a person by the name of Barbara Wood who, on or about November 18, 2007 made statements concerning a solo car accident that occurred on November 18, 2007 close to her home. In general, said

page 22 of 22

witness gave identifying information concerning a person who was associated with the subject solo car accident that was exculpatory to the plaintiff. However, the named and doe defendants lied and otherwise negligently, wrongfully, maliciously and in an intentionally oppressive manner did alter, manipulate and misrepresent the statements of Barbara Wood such that said conduct proximately caused the plaintiff to be identified, detained, arrested, jailed and prosecuted as a person who had committed crimes such as: driving under the influence of alcohol or drugs or both and fleeing from the scene of an accident.

During the same time period set forth in the paragraph above, that is between approximately November 18, 2007 and November 13, 2008, all of the named and doe defendants negligently, wrongfully, maliciously and in an intentionally oppressive manner failed to supervise and train each other in the fundamental and lawful use of force, in particular, the concepts of individuals being free from illegal/unlawful force.

At all times herein mentioned, al the named and doe defendants, and each of them, acting under color of law and under color of statutes, regulations, customs and usages of the State of California, State and City, and pursuant to the official policies of defendant public entity as created by State and City, and acting under color of their authority as such, negligently failed to instruct, supervise, control and discipline on a continuing basis the named and doe defendants herein in their duties to refrain from among other things:

- J. Unlawfully and maliciously detaining, seizing, assaulting and battering citizens who are acting in accordance with their constitutional and statutory rights, privileges and immunities
- K. And otherwise depriving Plaintiff of her constitutional and statutory rights, privileges and immunities.
- L. The foregoing acts, omissions and systematic failures are customs and policies of Defendant STATE and CITY, and caused the remaining Defendants, and each of them, to believe that they could routinely engage in excessive force on the general public and arrestees.

The conduct herein stated proximately caused the plaintiff to be identified, detained, arrested, jailed and prosecuted as a person who had committed crimes such as: driving under the influence of alcohol or drugs or both and fleeing from the scene of an accident.

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

B.D. Howard III

DEFENDANTS

City of San Diego, Michael R. Serrano and Jay Roda-Jones

(b) County of Residence of First Listed Plaintiff San Diego
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant San Diego
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

B.D. Howard III
154 21st Street
San Diego, CA 92102

Attorneys (If Known)
Donald F. Shanahan, Deputy City Attorney
Office of the City Attorney
1200 Third Avenue, Suite 1100
San Diego, CA 92101
(619) 554-1600

09 CV 0532 LAB

ORIGINAL WMC

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities—Employment <input type="checkbox"/> 446 Amer. w/Disabilities—Other <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	
				FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
☒ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 USC section 1983

Brief description of cause:

Plaintiff alleges civil rights violations.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
 DEMAND \$

CHECK YES only if demanded in complaint:
 JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

March 17, 2007

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # 161120 AMOUNT 350. APPLYING IFP JUDGE MAG. JUDGE

**UNITED STATES
DISTRICT COURT**
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION

**# 161120 - SR
* * C O P Y * *
March 17, 2009
15:33:25**

Civ Fil Non-Pris

USAO #: 09CV0532
Judge.: LARRY A BURNS
Amount.: \$350.00 CK
Check#: BC#7616142

Total-> \$350.00

**FROM: HOWARD III, CITY OF SAN DIEGO
CIVIL FILING**